

REMARKS

This is a response to the Office Action mailed on August 29, 2003. Claims 1, 9, 10 and 15 are amended to improve clarity. See the specification, e.g., page 3, lines 11-15. Claims 20-23 are new. See, e.g., Figure 4.

Claims 1-8 and 15-19 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. patent 6,513,160 to Dureau. Dureau describes a system for promoting viewer interaction by providing a genie that encourages the viewer to participate in contests, advertisement, promotions and the like. The genie appears to be healthy and smiling or unhealthy and frowning depending on the time the viewer spends watching an associated program and/or the interactivity of the viewer with the program (column 6, lines 40-45 and 52-56). To achieve this, an interactive application is time-multiplexed with the television program and transmitted to a set-top box (column 2, lines 63-67).

In contrast, the method of Applicants' claim 1 sets forth monitoring at least one signal corresponding to a program being watched to determine when a first predetermined event has occurred, where the first predetermined event comprises at least one of an audio and video event in the program being watched. The system of Dureau does not perform this monitoring since the genie is not responsive to specific audio and/or video events in a program being watched. Instead, Dureau is only concerned with the time spent watching the program. The genie's health is adjusted based on an elapsed time between the current date and the last viewing date (column 6, line 60 to column 7, line 5).

Furthermore, Applicants' claim 1 sets forth controlling the animated character based on the determination of when the audio and/or video event has occurred in the program being watched so that the animated character responds to the audio and/or video event in the program being watched. Again, the Dureau genie does not respond to specific audio and/or video events in a program being watched. Thus, the Dureau genie is not an animated viewing companion as claimed by Applicants for responding to the

current programming, but merely a tool for encouraging the viewer to watch more television. Claim 1 and the dependent claims thereof are therefore believed to be allowable over Dureau.

Claim 15 sets forth controlling an animated character based on a comparison between a selected program and a stored profile of previously made program selections. In contrast, Dureau only looks at a data file of viewing information to determine an elapsed time since a program was last viewed (column 6, lines 56-65). Dureau does not compare a selected program and a stored profile of previously made program selections, and control an animated character based on such a comparison. Claim 15 and the dependent claims thereof are therefore believed to be allowable over Dureau.

For example, regarding claim 16, Dureau does not disclose or suggest determining whether a selected program is consistent with a stored profile, and generating an approval response when such consistency is determined. Regarding claim 17, Dureau does not disclose or suggest determining a degree of consistency between a selected program and a stored profile, and generating one of a plurality of approval responses depending on the degree of consistency. The various health states of the Dureau genie are instead based on viewing time and interactivity. Regarding claims 18 and 19, Dureau does not disclose or suggest determining whether a selected program is inconsistent with a stored profile, and generating a disapproval response when such inconsistency is determined. Instead, the poor health state of the Dureau genie occurs when the elapsed time since a program was last viewed is too long, as mentioned previously.

Withdrawal of the rejection is therefore respectfully requested.

Claims 9-11 and 14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dureau in view of U.S. patent 5,393,073 to Best. Best discloses a talking video game showing animated characters that simulate a voice dialog with the viewer (Abstract). In contrast, Applicants' claim 9 sets forth that an animated character is controlled so that it responds to an audio and/or video event in a program being watched by turning the animated character so that its face faces the viewer. Thus, the animated character exists apart from the program being watched and is not simply a

component of a video game or cartoon. The Best video game is not concerned at all with an animated character that responds in this manner. Applicants therefore respectfully submit that there is no motivation to combine the references as suggested, and even if such a combination were attempted, it still would not result in a method that discloses or suggests the claimed invention.

Withdrawal of the rejection is therefore respectfully requested.

Claims 12 and 13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dureau in view of Best and U.S. patent 6,184,937 to Williams. Williams discloses a system where the audio portion of a live television broadcast is altered. Moreover, a logo can be inserted which appears as part of the original video scene (column 2, lines 30-32; column 3, lines 65-67). A cartoon character can be inserted that reacts to an audio event such as the crack of a bat with a suitable phrase in a distinctive voice (column 2, lines 55-58). In contrast, the animated character claimed by Applicants is provided on a portion of a display as an animated viewing companion. Williams, taken alone or in combination with the other cited references, does not disclose or suggest such an animated character that is controlled to act surprised or laugh, for example, as set forth in claims 12 and 13, respectively.

Withdrawal of the rejection is therefore respectfully requested.

In view of the above, each of the currently pending claims is believed to be in condition for allowance. The Examiner is respectfully requested to pass this application along to an early issue. The Examiner is invited to telephone the undersigned if there are any further issues to address.

Respectfully submitted,

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